

PT 97-46

Tax Type: PROPERTY TAX

Issue: Government Ownership/Use

STATE OF ILLINOIS
DEPARTMENT OF REVENUE
OFFICE OF ADMINISTRATIVE HEARINGS
SPRINGFIELD, ILLINOIS

SPRINGFIELD AIRPORT AUTHORITY)		
Applicant)		
)	Docket #	96-84-88
v.)	PIN #	14-18-400-077
)		
THE DEPARTMENT OF REVENUE)		
OF THE STATE OF ILLINOIS)		

RECOMMENDATION FOR DISPOSITION

Synopsis:

The Springfield Airport Authority (hereinafter referred to as the "Applicant") filed an Application for Property Tax Exemption To Board of Review, concerning Sangamon County Parcel No. 14-18-400-007, for the 1996 assessment year.

By a letter dated June 11, 1997, the attorney for the applicant submitted certain additional information.

The issues in this matter include first, whether the applicant owned this parcel during the 1996 assessment year. The second is whether this parcel was used by the applicant during the 1996 assessment year for airport authority purposes. Following a review of the documents originally submitted in this matter, and the later filed plats, it is determined that the applicant owned this parcel during the 1996 assessment year. It is further determined that the applicant used this parcel for airport authority purposes during the 1996 assessment year. This parcel therefore qualifies for exemption from real estate taxation pursuant to 35 ILCS 200/15-160 for the 1996 assessment year.

Findings of Fact:

1. The parcel here in issue was acquired by the applicant by a warranty deed dated November 18, 1992.

2. This parcel was acquired at the direction of, and with 90% of the funds provided by, the Federal Aviation Administration.

3. When acquired, this parcel was improved with a house.

4. The house was demolished during 1994.

5. During 1996, this parcel was maintained by the airport authority, including grass and weed mowing.

6. There were no leases or contracts or other non-airport related uses of this parcel during the 1996 assessment year.

7. This parcel is located in the runway protection zone, formerly described as the clear zone at the southwest end of the main northeast southwest runway at the airport.

Conclusions of Law:

Article IX, Section 6, of the Illinois Constitution of 1970, provides in part as follows:

The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes.

35 **ILCS** 200/15-160 provides in part as follows:

All property belonging to any Airport Authority and used for Airport Authority purposes...is exempt.

It is well settled in Illinois that when a statute purports to grant an exemption from taxation, the fundamental rule of construction is that a tax exemption provision is to be construed strictly against the one who asserts the claim of exemption. International College of Surgeons v. Brenza, 8 Ill.2d 141 (1956). Whenever doubt arises, it is to be resolved against exemption, and in favor of taxation. People ex rel. Goodman v. University of Illinois Foundation, 388 Ill. 363 (1944). Finally, in ascertaining whether or not a property is

statutorily tax exempt, the burden of establishing the right to the exemption is on the one who claims the exemption. MacMurray College v. Wright, 38 Ill.2d 272 (1967).

In the case of Harrisburg-Raleigh Airport Authority and Fox Valley Airport Authority v. The Department of Revenue, 126 Ill.2d 326 (1989), the Illinois Supreme Court held that for property to qualify for exemption as being used for airport authority purposes, its primary current use must be airport related. Based on the foregoing facts, it is concluded that this parcel was owned by an airport authority and used for airport authority purposes during the entire 1996 assessment year.

I therefore recommend that Sangamon County Parcel No. 14-18-400-077 be exempt from real estate taxation for the 1996 assessment year.

Respectfully Submitted,

George H. Nafziger
Administrative Law Judge
June 23, 1997